

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>CRIMINAL NO. 10-159-01, 02</b>
<b>OMELYAN BOTSVYNYUK,</b>	:	
<b>a/k/a "Milo"</b>	:	
<b>STEPAN BOTSVYNYUK,</b>	:	
<b>a/k/a "Stoypa"</b>	:	

**ORDER**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, having considered the government's motion to impose restitution in this matter, and after a hearing to determine the amount of restitution, IT IS HEREBY ORDERED that the above-named defendants shall pay restitution in the amount of \$\_\_\_\_\_, jointly and severally with each other, and with any other person who subsequently may be convicted of the conduct and offenses charged in the indictment.

**BY THE COURT:**

\_\_\_\_\_  
**HON. PAUL S. DIAMOND**  
*United States District Court Judge*

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**GOVERNMENT'S MOTION TO IMPOSE RESTITUTION**

The United States of America, by and through its attorneys, Zane David Memeger, United States Attorney in and for the Eastern District of Pennsylvania, and Daniel A. Vélez and Randall P. Hsia, Assistant United States Attorneys for this district, submits this motion for the Court to impose restitution, pursuant to the Mandatory Victims Restitution Act ("MVRA"), 18 U.S.C. § 3663A, et seq.

In this case restitution is mandatory. The provisions of the MVRA apply to this case because the defendant's criminal conduct occurred after April 24, 1996, the effective date of the statute. United States v. Coates, 178 F.3d 681, 683 (3d Cir. 1999). See also United States v. Quillen, 335 F.3d 219, 221 (3d Cir. 2003); United States v. Edwards, 162 F.3d 87, 89 (3d Cir. 1998). The MVRA requires courts to impose restitution as part of the sentence for defendants where the victim suffered a pecuniary loss. 18 U.S.C. § 3663(A)(c). The MVRA makes restitution "mandatory" for certain, enumerated offenses, such as crimes of violence, and "property offenses committed by fraud or deceit." 18 U.S.C. § 3663A(c)(1); United States v. Akande, 200 F.3d 136, 140 (3d Cir. 1999). See also Edwards, 162 F.3d at 89; Coates, 178 F.3d at 683.

Below is a list of victims to whom restitution is owed due to lost or back wages due as well as the amounts owed. Given the nature of the charges and the offenses in this case, the government has submitted a redacted version (victims initials) of the restitution list in order to protect the victims from any other violations of law.<sup>1</sup> The government has submitted the underlying calculations to the probation office and to counsel for the defendants. A restitution hearing is scheduled for Monday, September 10, 2012.

The restitution amounts were determined by the number of months worked, type of work performed, and hours of work performed, based on the trial testimony for each victim as well as FBI reports of interviews that were provided in discovery. The calculations and underlying charts were prepared by Brian Johnson, Director of Enforcement for the United States Department of Labor, Wage and Hour Division. The total restitution amount was determined to be \$288,272.28, and is as follows:

<u>Name</u>	<u>Back Wages</u>
TP	\$21,863.39
VM	\$3,539.66
MS1	\$63,736.14
YV	\$43,950.88
MS2	\$25,263.17
YS	\$50,782.19
OH	\$16,267.00
IS	\$30,740.95
MT	\$32,128.91
<b>TOTAL</b>	<b>\$288,272.28</b>

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<sup>1</sup>/ The government will submit an unredacted version to the probation office in order to ensure the appropriate party receives the appropriate payments.

WHEREFORE, the government respectfully requests that the Court order that the defendants pay restitution in the amount of \$288,272.28, jointly and severally with each other as well as with any subsequent person who is convicted of the conduct and offenses charged in the indictment, to the victims as identified in the government's submission.

Respectfully submitted,

ZANE DAVID MEMEGER  
United States Attorney

/s/ Daniel A. Vélez  
DANIEL A. VELEZ  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a copy of the government's Motion to  
Impose Restitution to be served by ECF and electronic mail upon the following:

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/s/ Daniel A. Vélez

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DATED: August 24 , 2012